

BURUNDI 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Burundi is a constitutional, multiparty republic with an elected government. The 2018 constitution, promulgated in 2019, provides for an executive branch that reports to the president, a bicameral parliament, and an independent judiciary. In 2020, voters elected President Evariste Ndayishimiye, members of the National Assembly (lower house), and commune councils. The government allowed the main opposition party to participate and campaign. The elections resulted in a peaceful transfer of power but were deeply flawed, with widespread reports of human rights abuses perpetrated primarily against members of the main opposition party. Numerous irregularities undermined the credibility of the process, in which international observers did not participate.

The National Police of Burundi, which falls under the authority of the Ministry of Interior, Community Development, and Public Security, is responsible for law enforcement and maintaining order. The armed forces are under the authority of the Ministry of Defense. The National Intelligence Service, which reports directly to the president, has arrest and detention authority. Civilian authorities at times did not maintain effective control over the security forces. There were reports that members of security forces committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearance; torture and cruel, inhuman, or degrading treatment or punishment by or on behalf of the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on freedom of expression and media, including violence or threats of violence against journalists and censorship; substantial interference with the freedom of peaceful assembly and

freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including but not limited to domestic and intimate partner violence, sexual violence, child, early and forced marriage, and other forms of such violence; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; the existence or use of laws criminalizing consensual same-sex sexual conduct between adults; and significant restrictions on workers' freedom of association.

The government took steps to identify, investigate, prosecute, and punish officials and members of the ruling party, the National Council for the Defense of Democracy – Forces for the Defense of Democracy, who committed human rights abuses or were involved in corruption. Observers, however, continued to report intimidation and violence by members of state security forces and their proxies throughout the year. Impunity for government and ruling party officials and for their supporters and proxies remained a problem.

Some members of the Imbonerakure, the youth wing of the ruling party, were involved in or responsible for numerous human rights abuses. Although they have no official arrest authority, they routinely assumed the role of state security agents and detained and turned over individuals to the official security services, in some cases after committing human rights abuses. The government investigated and prosecuted some alleged abuses by the Imbonerakure, although it did not do so consistently.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were numerous reports that the government or its agents, including police, the National Intelligence Service (SNR), elements of the Imbonerakure, and, in a few reported cases, military personnel, committed arbitrary or unlawful killings, often against perceived supporters of opposition parties or those who exercised their lawful rights. The nongovernmental organization (NGO) Ligue Iteka, which was banned in 2017, continued operating from outside the country and documented 232 killings by the end of August, as compared with 405 the previous year. Ligue Iteka and other human rights groups differed on the number of killings for which agents of the state or ruling party were likely responsible. The government's restrictions on UN human rights monitors and NGOs and refusal to allow international human rights bodies authorization to enter the country made it difficult to determine responsibility for arbitrary killings or exact statistics. Security risks for local activists, witnesses, and victims also posed obstacles. Investigations and prosecutions of government officials and members of the ruling party who allegedly committed arbitrary or unlawful killings occurred but were rare. Responsibility for investigating such killings lies with the Burundi National Police, which is under the Ministry of Interior, Community Development, and Public Security, while the Ministry of Justice is responsible for prosecution.

Media reported that bodies bearing signs of violence continued to be found in public places. Local authorities often buried them even if they were unable to identify the deceased and without investigating the cause of death and possible perpetrators, citing health risks to the local population due to a lack of mortuary facilities or ability to preserve the bodies. This made it more difficult for human rights organizations to document and differentiate between cases of human rights abuses and cases constituting ordinary criminal offenses. International human rights groups reported that bodies continued to be discovered regularly in different parts of the country, especially in Cibitoke Province, which borders the Democratic Republic of the Congo (DRC). According to Ligue Iteka, 113 bodies were found between January and August in Cibitoke. In addition, human rights organizations

reported numerous cases of disappearances, and it was difficult to determine how many of these were cases of forced disappearance or killings by or on behalf of the government. Some victims were found dead a few days after their disappearances with injuries indicating they had been executed. In its May report, Human Rights Watch noted that SNR agents, police, and the Imbonerakure killed, arbitrarily detained, tortured, and harassed persons belonging to opposition parties or suspected of working with armed rebel groups.

Media reported an increased number of cases of local administrators and the ruling National Council for the Defense of Democracy – Forces for the Defense of Democracy (CNDD-FDD) members being held accountable before the justice system. Furthermore, CNDD-FDD leadership reportedly instructed the Imbonerakure to take responsibility for their own criminal actions.

According to a Ligue Iteka report, on July 25, a group of the Imbonerakure beat and then killed Jean-Marie Mpawenayo, a member of the main opposition party, the National Congress for Freedom (CNL), in Bujumbura. The report indicated that the local representative of CNDD-FDD women's league accused Mpawenayo of stealing money from her purse. Ligue Iteka sources reported that the Imbonerakure attempted to pressure Mpawenayo to join the CNDD-FDD to no avail, which might have triggered the clashes that led to his killing.

A Ngozi court convicted three individuals on August 4, including Musafiri Niyonkuru, former head of the Imbonerakure in Ngozi Province, to life in prison for the murder of Bernard Nsabimana, a Ngozi resident. The three perpetrators were also ordered to pay 30 million Burundian francs (\$14,900) in compensation to the victim's family. Human rights activists welcomed the decision to punish an official widely considered "untouchable" like Musafiri, a powerful Imbonerakure figure implicated in many cases of human rights abuse in Ngozi Province, including enforced disappearances of opposition party members.

b. Disappearance

There were numerous reports that individuals were victims of politically motivated disappearances after they were detained by elements of the security forces or after kidnappings where the identities of the perpetrators were not clear. Lack of access to reliable reporting, however, caused in part by restraints on civil society, limited the ability of human rights organizations and researchers to gather complete data.

The NGOs Ligue Iteka, Forum for Awareness and Development (FOCODE), and SOS Torture Burundi regularly reported disappearances, which were sometimes later determined to be killings when victims' bodies were discovered. A victim's last sighting was often at the time of abduction by the Imbonerakure, police, military, or the SNR. NGOs and media reported that persons suspected of collaborating with armed rebel groups, members of the CNL, and former members of the army were victims of enforced disappearances. FOCODE reported that other victims included returning refugees and former prisoners. As of August 30, Ligue Iteka documented 32 disappearances, compared with 56 in the previous year. It linked one disappearance to the Imbonerakure, two to police, 25 to the SNR, two to the military, one to a local official, and one to unidentified actors. FOCODE reported that statistics likely considerably underreport the true number of disappearances, as many victims' families were either unaware of the victim's disappearance or may have remained silent due to fear of reprisal.

According to Human Rights Watch, the SNR, security forces, and the Imbonerakure disappeared real or perceived political opponents and persons suspected of having ties with Burundian rebels in the neighboring DRC. In addition, media reported cases of the Imbonerakure and other members of the ruling party becoming victims of human rights abuses for refusing to participate in the party's activities. According to a March report by the Burundi Human Rights Initiative (BHRI), CNL members were the primary victims of disappearances, usually subject to abduction by SNR agents or police, rather than being arrested in accordance with the law. The BHRI reported that families gave up searching after a few weeks and organized burials for their disappeared relatives. Some of the

missing persons reappeared, while others were found in prisons, awaiting trial. The BHRI reported that no information existed regarding security officials being prosecuted for their role in kidnappings.

On February 9, Ligue Iteka reported that SNR officials kidnapped six Imbonerakure in Kirundo Province after they refused to participate in paramilitary training. As of August, their whereabouts remained unknown.

In a press conference on April 28, police spokesman Pierre Nkurikiye called on relatives to alert police in case of alleged disappearances and assured that police would initiate investigations. On May 25, police presented to the press eight individuals arrested for kidnapping and for demanding ransom. Nkurikiye said the accused, three police officers, one member of the military, and four civilians, were involved in many cases of extortion, kidnapping, and abuse of power. Observers opined that the press conference was an attempt to rebut the claims by human rights organizations that the government had disappeared these eight individuals.

On July 13, Ligue Iteka reported that Salvator Horihoze, head of the SNR in Bujumbura Province, and Imbonerakure member Marius Bayisabe arrested Jean Paul Ndabacekure, a CNL member and resident of Mubimbi commune in Bujumbura Province. According to the report, Ndabacekure's family searched in known SNR and police detention facilities but was unable to locate him. As of August, his whereabouts remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibit cruel, inhuman, or degrading treatment or punishment, but there were numerous reports that government officials employed these practices. NGOs reported cases of torture committed by security services or members of the Imbonerakure. As of August 31, Ligue Iteka reported 38 such cases, down from 57 the previous year, attributing 33 to members of the Imbonerakure, three to police, and two to the SNR. Media reported throughout the

year that Imbonerakure members arrested, threatened, beat, tortured, or inflicted a combination of the former on CNL members. There were also reports that government officials in prisons physically abused prisoners. Human rights organizations reported numerous cases of torture against detainees at SNR headquarters in Bujumbura, as well as in unofficial detention centers in Bujumbura and other provinces. The BHRI reported that suspected opponents, mostly CNL members, were tortured in SNR offices and held incommunicado for periods ranging from a few days to several months. According to the BHRI, the SNR tortured their victims, mostly accused of collaborating with armed rebel groups, to extract confessions or get other information.

In December 2021, the UN Committee Against Torture deplored authorities' lack of cooperation in investigating individual complaints of abuses. The committee reported that authorities had not opened investigations into any cases referred to the committee since 2017.

There were some reports of investigations and prosecutions for serious abuses of human rights, although limited enforcement meant impunity in the security forces, including the Imbonerakure, the SNR, police, and military, remained a problem. Media reported increased cases of state agents and members of the ruling party being arrested, detained, and sometimes convicted for acts related to human rights abuses. Furthermore, the leadership of the CNDD-FDD reportedly instructed the Imbonerakure to take responsibility for their own criminal actions. Media and human rights groups reported, however, that many state agents arrested were later released and that the outcomes of proceedings against those who remained in detention were uncertain. Factors contributing to impunity included the ruling party's reliance on the Imbonerakure, the lack of an independent judiciary, and reprisals against individuals reporting abuses. There were no sufficient mechanisms to investigate human rights abuses committed by security forces. Military members deployed to international peacekeeping missions received mandatory human rights training.

Media reported that on April 4, the Imbonerakure tortured Stephanie Minani and

her daughter Irakoze. The Imbonerakure accused Irakoze of stealing 330,000 Burundian francs (\$1,650) and reportedly beat her until she confessed to having taken the stolen money to her mother. The Imbonerakure then tortured Stephanie Minani by tying her arms behind her back, hitting her, throwing her to the floor, and sexually assaulting her. Stephanie was taken to the hospital in critical condition. After pressure from the prosecutor's office, the Imbonerakure agreed to pay for medical expenses but were not criminally charged.

There were reports that members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community were threatened, beaten, and arrested by local administrators and other citizens with the support of security forces (see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity).

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to gross overcrowding, food shortages, physical abuse, and inadequate sanitary conditions. There were reports of lack of adequate medical treatment and prolonged solitary confinement in prisons and detention centers. Conditions in detention centers managed by the SNR and in communal jails managed by police generally were worse than in prisons. Human Rights Watch and several other organizations also continued to report that the SNR maintained clandestine detention facilities to which no independent monitors were granted access.

Abusive Physical Conditions: Gross overcrowding was a severe problem in eight of 11 prisons. The Ministry of Justice's Office of Penitentiary Affairs reported that, as of August 23, there were 12,754 inmates, including 6,913 pretrial detainees, held in 11 prisons and two juvenile rehabilitation facilities, the majority of which were built before 1965, with a designed capacity to accommodate 4,294 inmates. The most crowded prisons were Muramvya (30 miles from Bujumbura), where the inmate population was at 827 percent of designed capacity, and Mpimba in Bujumbura, which was at 567 percent of designed capacity. Of the 12,754

inmates, 582 were women and 164 were juveniles. Of the 164 juveniles, 125 were convicted and 39 were pretrial detainees, in the two juvenile rehabilitation facilities. There is a prison for women in Ngozi, although women were incarcerated in other prisons, as well. Authorities commonly held pretrial detainees with convicted prisoners.

The Office of Penitentiary Affairs reported no deaths during the year, although this was contradicted by media and NGO reports. No information was available on the number of persons held in communal jails operated by police or in clandestine detention centers managed by the SNR.

Prisons did not have adequate sanitation systems (toilets and bathing facilities), drinking water, ventilation, and lighting, and these conditions were especially acute in the Muramvya and Mpimba prisons. Prisons and detention centers did not have accommodations for persons with disabilities.

According to government officials and international human rights observers, many prisoners suffered from intestinal illnesses and malaria. Available medical care was primarily limited to analgesics and other basic medications. In June, the Ministry of Health and Ministry of Justice signed an agreement to create and maintain health centers at prisons around the country; however, health services at these centers were mostly limited to dispensing medications.

Each prison was required to employ at least one qualified nurse and received at least one weekly visit by a doctor, but prisoners did not always receive prompt access to medical care. Inmates with serious medical conditions were sent to local hospitals. There were reports of shortages of medicines in prison clinics. The NGO Action by Christians for the Abolition of Torture (ACAT-Burundi), which was banned in 2017 reported that prisoners, particularly those held on politically motivated charges, had difficulty obtaining permission to seek treatment in hospitals outside the prisons, and those who did were discharged before they had fully recovered.

There was no official information regarding cases of COVID-19 in prisons.

Authorities took some measures to prevent the spread of the virus, including allowing the International Committee of the Red Cross (ICRC) to provide soap and hygiene-sensitization sessions in the country's 11 prisons and two youth detention centers.

Each inmate received daily rations of approximately 12 ounces of cassava, 12 ounces of beans, and, on some days, oil and salt. Authorities expected family and friends to provide any additional food as well as other expenses such as clothing, toiletries, and some costs associated with medical care. Economic stresses and skyrocketing prices in staple goods meant that families were often unable to provide the same food supplements as in recent years. ACAT-Burundi and other organizations reported recurring food shortages in prisons, especially in Rumonge and Mpimba prisons in Bujumbura. Although prison malnutrition was a concern, rates of malnutrition among prisoners were lower than among the country's population. Media and several other organizations also reported that prisoner-run bodies, which mainly included members of the ruling party, harassed, tortured, and in some instances killed prisoners held on politically motivated charges with the support or under the orders of the prisons' administration, contradicting prison authorities' reports of no deaths during the year.

Administration: Prison authorities allowed prisoners to submit complaints to judicial authorities without censorship, but authorities rarely investigated the complaints. Anonymous complaints passed along to authorities by independent monitors were sometimes addressed. There were reports of mistreatment of prisoners, such as physical abuse and long stays in solitary confinement, but no record that any abusers were held to account or punished. During the year, prison authorities permitted visitors in all prisons, which had been suspended since 2020 in response to COVID-19.

Independent Monitoring: The government permitted monitoring by some independent nongovernmental observers.

The government permitted visits requested by the ICRC, the African Union, and

the Independent National Commission on Human Rights (CNIDH). Monitors visited prisons, communal jails, and known SNR detention centers regularly. Monitoring groups had complete and unhindered access to prisoners held in all official detention facilities but were unable to access clandestine SNR detention sites.

Improvements: In December 2021, President Ndayishimiye approved a program involving possible conditional release of convicted inmates who demonstrated good behavior and/or paid bail, as in the case of pretrial detainees. The program also considered detainees not accused of murder or sexual violence as possible candidates for release pending their trials. Some human rights organizations lauded the measure for its aim of addressing both overcrowding and long pretrial detention periods. According to ACAT-Burundi, authorities implemented President Ndayishimiye's program to release pretrial detainees in Mpimba, Ngozi, Ruyigi and Muramvya prisons as of October. ACAT-Burundi, however, criticized the measure for excluding prisoners accused of such crimes as threatening state security and tarnishing the image of the country. Eight of the 11 prisons, including the women's detention facility, benefitted by a steam-based disinfection campaign designed to reduce both germs and insects. Telephone systems were also installed in all 11 prisons to supplement in-person visits.

There were reports of multiple rehabilitation projects in various prisons, including sanitation facility, kitchen, and water distribution upgrades in Mpimba and Ruyigi prisons. Gitega prison was fully reconstructed following the fire that erupted there in December 2021.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest and detention, but the government did not observe these requirements.

Arrest Procedures and Treatment of Detainees

Arrests require warrants issued by a presiding magistrate, although police may arrest a person without a warrant by notifying a police supervisor in advance. Police have seven days to finish an investigation and present evidence before a magistrate but may request a seven-day extension for additional investigation. Police rarely respected these provisions.

According to the law, a magistrate must either order the release of suspects or confirm the evidence is sufficient for continued detention, initially for 14 days, and then for an additional seven days if required to prepare a case for trial. Magistrates routinely failed to convene preliminary hearings, often citing heavy case backlogs or improper documentation by police. Authorities acknowledged that the legal system struggled to process cases in a timely fashion and that lengthy pretrial detentions were common.

Lack of transportation for suspects, police, and magistrates was a frequently cited reason for the failure to convene preliminary hearings. This remained a problem in the eight provinces without prisons, where lack of transport prevented the transfer of suspects from the site of detention to the provincial court with jurisdiction over their cases.

Judges may release suspects on bail but rarely did so. They often released suspects on their own recognizance, however. Suspects may hire lawyers at their own expense in criminal cases. The law does not require legal representation and the government did not provide attorneys for those unable to afford one. Detainees who were unable to pay for a lawyer were rarely able to access legal counsel.

Some suspects were detained incommunicado. The SNR denied lawyers access to detainees held at its headquarters in Bujumbura, and there was no known access to the SNR's clandestine detention facilities. Prisons have solitary confinement facilities, and detainees were sometimes held in solitary confinement for long periods.

Arbitrary Arrest: The law provides for a token monetary fine and imprisonment for 15 days to one year for any member of the security forces found guilty of involvement in an arbitrary arrest. There were no reports that this law was applied.

Human rights groups reported numerous arbitrary arrests and detentions, including some involving the Imbonerakure. As of August 31, Ligue Iteka documented 221 arbitrary arrests, a decrease from 507 in the previous year, including 43 by the Imbonerakure, 153 by police, four by local administration officials, 20 by the SNR, and one by unidentified persons. Ligue Iteka reported that authorities targeted members of the CNL and their supporters for their involvement in legitimate political activities. Authorities often accused CNL members of organizing or participating in “unauthorized activities,” including the party’s anniversary celebration and the opening of new offices. Authorities arrested several opposition party members after they fought with members of the Imbonerakure, who attempted to pressure them into joining CNDD-FDD. According to media reports, authorities arrested many individuals under accusations of their collaboration with or support for armed rebel groups, often on the sole basis of political affiliation or ethnic background. Media also reported increasing arrests of street children.

Pretrial Detention: Prolonged pretrial detention remained a serious problem. By law authorities may not hold a person longer than 14 days without charge. As of August, however, 54.2 percent of inmates in prisons and detention centers were pretrial detainees, according to the Ministry of Justice’s Office of Penitentiary Affairs. Authorities held some suspects without formal charges. According to the Office of Penitentiary Affairs, the average time in pretrial detention was approximately one year, but some individuals remained in pretrial detention for nearly five years. In some cases, the length of detention equaled or exceeded the sentence for the alleged crime. Inefficiency and corruption among police, prosecutors, and judicial officials contributed to the problem. For example, authorities deprived many persons of their legal right to be released on their own recognizance because public prosecutors failed to open case files or the files were lost. Others remained incarcerated without proper arrest warrants, either because

police failed to complete the initial investigation and transfer the case to the appropriate magistrate or because the magistrate failed to convene the required hearing to rule on the charges.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; but the government generally did not respect judicial independence or impartiality. Serious irregularities undermined the fairness and credibility of trials, and in some instances, the outcomes of trials appeared predetermined by the government and powerful members of the ruling party. There were reports of authorities who bribed or influenced members of the judiciary to drop investigations and prosecutions. Media reported irregularities in criminal procedures, including warrantless arrests of political opponents and illegal extensions of pretrial detentions. There were allegations that the Attorney General's Office ignored calls to investigate senior figures within the security services and national police. Prosecutors and members of the security services sometimes ignored court orders for the release of detainees after judges had determined there were no legal grounds for holding them.

Trial Procedures

The law provides for the right to a fair and public trial, but the judiciary generally did not enforce this right. By law defendants are presumed innocent. Panels of judges conduct all trials in public. Defendants have the right to prompt and detailed information on the charges and free language interpretation, if needed, from the moment of being charged throughout the entirety of the appeals process, if necessary, although these rights were rarely respected. Defendants have the right to a fair trial without undue delay and to adequate time and facilities to prepare a defense, although this occasionally occurred. Defendants have a right to counsel but not at the government's expense, even in cases involving serious criminal charges. Few defendants had legal representation because few could afford the services of a lawyer. Some local and international NGOs provided legal

assistance to defendants. Defendants have the right not to be compelled to testify or confess guilt, although there were reports that some detainees experienced torture designed to coerce testimonies. Judges reportedly used confessions obtained under torture as a basis for convicting defendants. Human Rights Watch and international media reported a growing number of cases of expedited trials that raised concerns concerning their fairness, since the defendants did not have time to prepare. Such practices appeared to be particularly common in cases involving opposition party members.

All defendants, except those in military courts, have the right to appeal their cases to the Supreme Court. The government does not provide military defendants with attorneys to assist in their defense, although NGOs provided some defendants with attorneys in cases involving serious charges. Military trials generally were open to the public but could be closed for reasons of national security or in cases where publicity might harm the victim or a third party, such as in cases of rape or child abuse. Defendants in military courts are entitled to only one appeal.

While many of the aforementioned rights were frequently not granted, no rights were systematically denied to persons from specific groups. The inefficiency of the court system extended the appeals process for long periods, in many cases for more than a year. The CNIDH, in collaboration with the Ministry of Justice and the UN Centre for Human Rights and Democracy in Central Africa, organized mobile courts in Mpimba, Gitega, Ngozi, Rutana, Rumonge, and Ruyigi. These hearings were designed to remedy the problem of judicial delays and allowed for the processing of 313 cases between May and August 2021.

On May 10, a Ngozi court convicted 16 CNL members to 15 years in prison on charges of the attempted murder of Imbonerakure members following clashes between the two groups on April 25. At least seven of the convicted CNL members were arrested and imprisoned, while the remaining members reportedly fled the province or country. Media reported that those arrested and imprisoned were not allowed to appear in court or given the chance to mount a legal defense, a contravention of the country's criminal procedures. The confrontation between the

parties occurred after Imbonerakure members attempted to pressure the CNL members to join the ruling party. According to reports, the CNL members' refusal to join the ruling party led the Imbonerakure to begin verbally and physically assaulting the CNL party, resulting in violence on both sides. The Imbonerakure subsequently held at least two CNL members hostage for ransom and verbally and physically abused the village chief, a CNL member, when he attempted to intervene. When some of the CNL members fled from Ruyumbu, the Imbonerakure and local authorities reportedly detained spouses and relatives of the missing members for up to a week and coerced other CNL members in the neighborhood to give information regarding the fugitives' whereabouts (see also section 1.f.). Human rights organizations criticized the proceedings, noting a lack of fair trial, and criticized the Public Prosecutor's Office for not taking more time to investigate the incident and for appearing to side with the ruling party by failing to prosecute the Imbonerakure alongside the CNL members.

Political Prisoners and Detainees

No verifiable statistics were available on the number of political prisoners or detainees; estimates by human rights groups ranged in the hundreds. The government denied incarcerating persons for political reasons, citing instead acts against state security, participation in a rebellion, or inciting insurrection. Human rights groups stated that these charges were often a pretext for repressing human rights defenders and members of opposition parties. Throughout the year, there were regular arrests and detentions of members of opposition parties, mainly from CNL, but also from other parties such as Sahwanya-FRODEBU. Others, mainly young men, were arrested or detained under suspicion of having cooperated with armed rebel groups. In many cases, political prisoners remained in prolonged pretrial detention, while other prisoners were released without explanation or, more frequently, after paying a monetary fine. The government permitted visits requested by the ICRC and the CNIDH, including to detainees who human rights groups considered to be political prisoners. Monitors visited known prisons, communal jails, and known SNR detention centers regularly. Monitoring groups

had complete and unhindered access to prisoners held in known detention facilities but were unable to access clandestine SNR detention sites.

On August 28, the SNR arrested activist Floriane Irangabiye and accused her of espionage and collaboration with armed rebel groups. According to media sources, Irangabiye traveled to Burundi from her home in Rwanda for a family visit and was arrested a few days later. Irangabiye was known to partner with Burundian journalists in exile and was actively involved in debates organized by media outlets operating from outside the country.

Lawyer Tony Germain Nkina appealed his 2021 conviction for threatening state security. The Supreme Court overturned his conviction on December 7 and instructed the Ngozi Court of Appeals to review his case. The Ngozi Court of Appeals acquitted him on all charges on December 20. Nkina was released from detention on December 27 after spending more than two years in prison. He was convicted in June 2021 and sentenced to five years in prison and a fine of one million Burundian francs (\$497). Nkina was charged with threatening state security by collaborating with rebel groups conducting attacks in Kabarore Commune, Kayanza Province, where he was visiting a client. Observers criticized the proceedings due to a lack of evidence to support the government's case. International human rights organizations also believed that Nkina was arrested for his prior work as a representative of the Association for the Protection of Human Rights and Detained Persons, which was one of the leading human rights groups in the country until 2015.

Transnational Repression

The government attempted to intimidate or exact reprisal against members of diaspora populations by exerting bilateral pressure on another country.

Bilateral pressure: There were reports that for politically motivated purposes, the government attempted to exert bilateral pressure on another country aimed at having it take adverse action against specific individuals. As a condition of normalizing bilateral relations with Rwanda, authorities continued to demand the

extradition of individuals alleged to be responsible for the 2015 attempted coup and who sought refuge in Rwanda that same year.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights abuses and may appeal decisions to an international or regional court.

In 2015, the East African Civil Society Organizations' Forum, which includes several Burundian organizations in exile, filed a complaint seeking to invalidate President Nkurunziza's third term from 2015 to 2020. In a decision dated November 2021 and made public in September, the East African Court of Justice condemned the country's constitutional court for authorizing an "illegal mandate to President Nkurunziza."

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law provide for the right to privacy and require search warrants, but there were reports that the government failed to respect these prohibitions. The law provides for warrantless searches when security services suspect acts of terrorism, fraud, trafficking in persons, illegal possession of weapons, trafficking in or consumption of drugs, or "infractions of a sexual nature." The law requires that security services provide advance notice of warrantless searches to prosecutorial officials but does not require approval. Human rights groups raised concerns that the breadth of exceptions to the warrant requirement and the lack of protections provided in the law created risks of abuse. They also noted that by law, warrants may be issued by a prosecutorial official without reference to a judicial authority, thereby limiting judicial oversight of decisions by police and prosecutors.

Police, SNR agents, and Imbonerakure members – sometimes acting as mixed security committees – set up roadblocks and conducted general vehicle inspections and searches. Members of the security forces also sought bribes in many instances,

either during searches or in lieu of a search. They conducted search-and-seizure operations throughout the year without judicial or other appropriate authorization. The media outlet *Radio Publique Africaine* reported that its websites and social media platforms were blocked and inaccessible to the public in the country, unless using a virtual private network.

Media and human rights organizations reported that police arrested and threatened family members of suspects they were unable to find for arrest.

g. Conflict-related Abuses

The UN Group of Experts reported in July that members of the Imbonerakure and the military conducted military operations in South Kivu Province in the DRC beginning in December 2021, assisted by Congolese armed groups acting as scouts or joining operations against the Burundian rebel group RED-Tabara. The BHRI and local media reported that members of the Imbonerakure, the military, or local allied Congolese armed groups engaged in abuses against Congolese civilians between December 2021 and July including extrajudicial killings, looting, extortion, and forced labor (see also the country report on the Democratic Republic of the Congo).

According to the *Conduct in UN Field Missions* online portal, there were 11 open allegations of sexual exploitation and abuse by the country's peacekeepers deployed to the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). Two of the pending allegations were reported during the year, six were reported in 2021, one in 2019, one in 2016, and one in 2015. Of the 11 allegations, six concerned possible exploitative relationships with adults (between 2014 and 2019), four concerned alleged instances of child rape (between 2015 and 2019), and one involved both children and adults (in 2015). Two cases reported in the 2015-16 timeframe were substantiated in 2017. As of August, the government had not announced whether it had taken any measures to investigate or address the 11 cases that remained open and had also not yet reported actions taken regarding the substantiated 2017

allegation of the rape of a child, perpetrated in 2015 by a police officer deployed to MINUSCA.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, but prohibited certain types of expression. While the government took some measures to loosen restrictions on members of the press and other media, restrictions imposed in 2015 continued and were applied to all press outlets.

Freedom of Expression: The law prohibits “defamatory” speech regarding the president and other senior officials, material deemed to endanger national security, and racially or ethnically motivated hate speech. It is illegal for anyone to display drawings, posters, photographs, or other items that may “disturb the public peace.” Penalties for disturbing the public peace range from two months’ to three years’ imprisonment, as well as fines.

Violence and Harassment: Journalists reported harassment and intimidation by the security services and government officials designed to prevent them from doing their work independently or covering sensitive topics. Some journalists were required to obtain permission from authorities prior to conducting domestic, and in some cases international, travel. Forces allied to the CNDD-FDD repressed media perceived as sympathetic to opposition parties, including print and radio journalists, through harassment, intimidation, and violence. Most independent journalists fled the country during and after the political crisis and crackdown in 2015, and some remained in exile as of the end of the year. The government detained or summoned for questioning local journalists investigating subjects such as human rights abuses, corruption, or security incidents.

The Karusi provincial director of agriculture and livestock filed a complaint on July 8 against Pascal Kararumiye, a journalist with private media outlet *Radio Isanganiro*, accusing the journalist of disseminating false information. The accusation followed the release of Kararumiye's report of cows being slaughtered despite government restrictions regarding Rift Valley Fever. Karusi authorities did not refute the information or provide further information on the case, despite the law's provision that "each person has the right to reply to any broadcasted information." Karusi's public prosecutor's office twice summoned Karurimiye to appear and requested that he clear all future articles with the appropriate provincial authorities.

On July 18, Pascal Ndayisenga, director of online media outlet *La Nova*, received death threats from Pascal Sebirego, a local administrator in Kiremba Commune, Ngozi Province, after *La Nova* published an article citing Sebirego's involvement in serious cases of corruption, which led the president to order an investigation. Ndayisenga went into hiding as of August but reappeared in public in September after Sebirego was arrested and imprisoned on charges of corruption.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: The government censored media content through restrictive press regulations established by the National Communications Council (CNC), an organization nominally independent but subject to political control and widely regarded as a tool of the executive branch. CNC decrees require that all journalists register annually with the body, limit the access granted to international journalists, and establish content restrictions on the products disseminated by outlets. The CNC continued to monitor the press closely. The CNC regulates both print and broadcast media, controls the accreditation of journalists, and enforces compliance with media laws. The president appoints all 15 CNC members, who were mainly government representatives and journalists from the state broadcaster.

There were reports that journalists were required to obtain permission from local administrations and in some instances gain clearance in order to release their

articles. Broadly interpreted laws against libel, hate speech, endangering state security, and treason also fostered self-censorship, including by journalists working for the national broadcaster. Observers reported that most journalists working in the country exercised a degree of self-censorship or refused to cover topics labelled as sensitive, including high-level corruption, human rights abuses by government security forces or the Imbonerakure, and other subjects seen as critical of the government.

Several journalists stated they were generally freer in their reporting online than via radio and other media more closely controlled by the government, particularly when posting in French or English rather than in local languages. Two radio stations that were closed in 2015 continued to broadcast radio segments abroad and publish articles online.

Libel/Slander Laws: The law protects public servants and the president against “words, gestures, threats, or writing of any kind” that is “abusive or defamatory” or would “impair the dignity of or respect for their office.” The law prohibits the public distribution of information that exposes a person to “public contempt” and provides penalties of imprisonment and fines for violations. The penalty for being convicted of insulting the head of state is six months to five years in prison and a token monetary fine. Some journalists and leaders of political parties and civil society stated that the government used the law to intimidate and harass them.

National Security: The law requires journalists to reveal sources in some circumstances and prohibits the publication of articles deemed to undermine national security. Harassment in past years under national security provisions caused some journalists to self-censor during the year.

Conviction of treason, which includes knowingly demoralizing the military or the country in a manner that endangers national defense during a time of war, carries a penalty of life imprisonment. It is a crime for anyone knowingly to disseminate or publicize rumors likely to alarm or excite the public against the government or to promote civil war.

Nongovernmental Impact: Many members of the Imbonerakure collaborated with government security forces to inhibit freedom of expression. In some cases, they were official members of mixed security councils, which consisted of police, local administration officials, and civilians.

Actions to Expand Freedom of Expression, Including for Members of the Media: On May 15, President Ndayishimiye organized a special press conference for locally based journalists that lasted four hours. In sharp contrast with other public conferences with the president, there were no prior editorial meetings to verify or direct the questions and to designate in advance which journalists would ask them. Instead, all journalists were given the opportunity to ask any questions they wished.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content except for the website of media outlet *Radio Publique Africaine*. There were no credible reports that the government monitored private online communications without appropriate legal authority. Direct access to *Radio Publique Africaine*'s website from within the country remained blocked; readers were able to access the website from abroad or by using a virtual private network. On November 30, the government restored full public access to the independent media organization IWACU's website, which had been blocked by the government since 2017.

Academic Freedom and Cultural Events

There were allegations, including by Freedom House, that hiring practices, student leadership elections, and grading at the University of Burundi were subject to political interference in favor of CNDD-FDD members and that University of Burundi professors intimidated students not aligned with the ruling party.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, but the government did not always respect these rights. The law requires political parties and large groups to notify the government in advance of a public meeting and at least four days prior to a proposed demonstration. There were reports that opposition parties, primarily CNL, were prevented from organizing activities, including anniversary celebrations, meetings, office openings, and other public gatherings.

Freedom of Association

The constitution provides for freedom of association within the confines of the law, but the government severely restricted this right.

A law requires that international NGOs deposit a portion of their budgets at the Bank of the Republic of Burundi and that they develop and implement plans to attain ethnic and gender balances in the recruitment of local personnel. The law contains several clauses that give the government considerable control regarding NGOs' recruitment and programming. In December 2021, the Senate set up a special commission to investigate the ethnic makeup of international NGOs and state-owned enterprises, a practice the government indicated is required by the constitution. Some ministries continued to pressure international NGOs during the year to provide information on the ethnicity and identity of international NGO employees. Some international NGOs continued to express concern that the ministries' intent was to exert control over hiring decisions or otherwise inappropriately influence international NGO operations. On January 24, the Ministry of Interior introduced an identification card for all employees in the public and private sectors. The application for the card, which requested information on gender, ethnicity, geographic origin, function, and date of

employment, was sent to all heads of public and parastatal institutions and representatives of local and international NGOs. The Ministry of Interior explained that the identification request was one of the recommendations from the investigation carried out by the Senatorial commission to examine ethnic makeup among employees.

The law requires NGOs to register with the Ministry of the Interior (or with provincial governments if they operate in a single province), a complex process that includes approval of an organization's activities from the Ministry of the Interior and other ministries, depending on the NGO's areas of expertise. Registration must be renewed every two years, and there is no recourse when authorities deny registration. The law provides for the suspension or permanent closure of organizations for "disturbing public order or harming state security."

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government at times respected these related rights.

In-country Movement: According to several news sources, the government enforced the use of household logbooks, *cahier* or *livret de menage*, which listed the residents and domestic workers of each household in some neighborhoods of the capital. In numerous instances, police arrested persons during neighborhood searches for not being registered in household booklets. Local governments established checkpoints on roads throughout the country on a widespread basis, officially for the collection of transit taxes on drivers and passengers. The checkpoints were often staffed by police or members of the Imbonerakure. Checkpoints were also established for security purposes. There were frequent

allegations that those staffing the checkpoints sought bribes before allowing vehicles to proceed. In some instances, members of the Imbonerakure were accused of using the checkpoints to deny free movement to individuals for political reasons, such as failing to demonstrate proof of financial contributions to the ruling party's offices and activities. Refugees were required to obtain exit permits to travel outside refugee camps, and this law was generally enforced.

Foreign Travel: Authorities required exit visas for foreigners who held nonofficial passports and who did not hold multiple-entry visas; these visas cost 48,000 Burundian francs (\$24) per month to maintain. Most foreigners held multiple-entry visas and were not subject to this requirement.

In response to trafficking in persons concerns, the General Immigration Authority, which is responsible for border security and issuing travel documents, increased vigilance before granting travel documents to target demographic groups, such as young women and unaccompanied children. In January 2021, the immigration authority requested that commercial airlines operating in the country stop accepting citizen passengers travelling to all Gulf countries until further notice due to concerns regarding human trafficking; a special authorization from the immigration authority is required for such travel. These restrictions, however, may have increased travel via irregular channels, as well as vulnerability to trafficking.

e. Protection of Refugees

The government generally cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Freedom of Movement: Refugees are required to obtain exit permits from the National Office for the Protection of Refugees and Stateless Persons in the Ministry of Interior to leave refugee camps. Authorities consistently refused or

limited exit permits, citing security concerns regarding possible collaboration between refugees and rebel groups in the DRC. Whereas exit permits previously allowed for several weeks' absence, permits during the year were limited to three-day periods, and the number of permits issued decreased significantly. There were reports of refugees being briefly arrested and returned to the camps for leaving without an exit permit.

Employment: There were reports that the government imposed restrictions on refugees' ability to work after their status as refugees was official. The government does not permit refugees and asylum seekers to work in the formal labor market. UNHCR and camp partners implemented some livelihood programs, such as cooperative-led sustainable year-round gardens, mushroom growing, and small-scale soap making, and encouraged refugees to initiate income-generating activities. In response some refugees started hair salons, tailoring shops, and small markets inside their camps, although insufficient funds to promote their businesses and difficulties obtaining exit permits to sell their products outside the camps hampered their ability to expand their businesses.

Durable Solutions: Continuing violence in the DRC prevented Congolese refugees from returning. Efforts begun in 2015 to resettle Congolese refugees in third countries continued.

f. Status and Treatment of Internally Displaced Persons

The International Organization for Migration (IOM) estimated there were 84,800 internally displaced persons (IDPs) in the country as of April, of whom 56 percent were children. According to the IOM, 91 percent of IDPs were displaced due to natural disasters, while 9 percent were displaced for other reasons. Some IDPs reported believing themselves to be threatened because of their perceived political sympathies. Some IDPs returned to their homes, but the majority remained in IDP sites or relocated to urban centers. The government generally permitted IDPs at identified sites to be included in programs provided by UNHCR, the IOM, and other humanitarian organizations, such as shelter, education, and legal assistance

programs, and promoted their reintegration.

During the year, media reported cases of the Imbonerakure and local officials threatening to expel IDPs from their sites in Giheta commune in Gitega Province and Kabezi commune in Bujumbura on public interest grounds. Human rights groups denounced the apparent political motives behind the evictions. Media also reported harassment and arrests of IDPs in Ngozi, Kirundo, Kayanza, and Gitega Provinces accused of maintaining relations with armed rebel groups and opposing government orders.

g. Stateless Persons

According to UNHCR, an estimated 783 persons at risk of statelessness lived in the country. All had lived in the country for decades, originally arriving from Oman, and were awaiting proof of citizenship from the government of Oman. Most of those who remained at risk of statelessness had refused an offer of Burundian citizenship from the government if they could not get Omani citizenship. Stateless persons faced limited freedom of movement because they were ineligible for driver's licenses and passports.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage, but the government did not respect the law.

Elections and Political Participation

Recent Elections: In 2020, the country held legislative, communal, and presidential elections without international observers. The CNDD-FDD candidate, Evariste Ndayishimiye, won the election with 68 percent of the vote. The CNDD-FDD won absolute majorities in the National Assembly and Senate.

The elections were deeply flawed with irregularities that undermined the

credibility of the process, including blocking independent international observers. The government opened the political space slightly, allowing participation of opposition parties and permitting them to carry out campaign activities across the country. According to the 2020 UN Commission of Inquiry (COI) report, opposition parties cited irregularities during the vote tabulation process, including the expulsion of accredited party-affiliated monitors from voting stations. The international community and independent domestic organizations widely condemned the process as flawed, although domestic and international actors generally accepted the election outcomes. Several progovernment NGOs observed and validated the elections. The CNL rejected the results of the election and filed an appeal, which the Constitutional Court dismissed.

The COI noted the presidential election was largely free of mass violence. There were reports of incidents of violence during the election campaign period, namely clashes between members of the ruling party and opposition party, which resulted in injuries and deaths in some cases. The COI stated that opposition parties and their members, mainly the CNL, suffered serious human rights abuses in the period preceding elections. There were reports of targeted killings, kidnappings, gender-based violence, torture, and arbitrary arrests. Media remained under strict control, and journalists were unable to carry out their duties freely. The CNIDH declared that incidents of human rights abuses were too insignificant to affect the credibility of results, as announced.

The National Independent Elections Commission imposed restrictive conditions, such as limiting movement of locally based foreign observers and rejecting African Union and UN observers.

Political Parties and Political Participation: The constitution outlines a multiparty system and provides rights for parties and their candidates including assurance for authorities' noninterference in political parties' affairs. According to the law, to qualify for public campaign funding and compete in the parliamentary and presidential elections, parties need to be "nationally based," (i.e., ethnically and regionally diverse) and prove in writing they are organized and have

membership in all provinces. The Ministry of the Interior recognized 39 political parties.

All registered political parties regularly met through the National Forum of Political Parties, the minister of interior's institution for political dialogue. In addition, President Ndayishimiye met regularly with leaders of political parties to discuss topics of importance to the country and sought their input. Government officials praised the discussion's framework for promoting political unity, while critics argued it served mainly for publicity and did not touch on sensitive political topics.

In its June report, the NGO Speech and Action for the Raising of Consciousness and the Evolution of Mentalities (PARCEM) pointed out that most political parties chose to remain silent or support the ruling party to avoid conflicts and for the possibility of obtaining benefits, such as employment opportunities.

Political parties allied with the CNDD-FDD were largely able to operate freely. Media and human rights organizations reported abuses including extrajudicial killings, arbitrary arrests, torture, and enforced disappearance against political opponents, mainly CNL members, by the Imbonerakure and unidentified armed men in retaliation for political engagement and alleged involvement in armed rebel groups. Media reported that some CNL members were pressured to join the CNDD-FDD and that in some rural communities, the CNL was prevented from holding meetings and other activities, and their offices were ransacked or destroyed.

The constitution includes restrictions on independent candidates, including a measure that prevents individuals from running as independents if they had claimed membership in a political party within the previous year or if they had occupied a leadership position in a political party within the previous two years. The constitution also provides that independent candidates for the National Assembly must receive at least 40 percent of the vote in their district to be elected, a standard that did not apply to candidates representing political parties. The

constitution's ban on coalitions for independents further constrained the options for unrecognized parties.

Individuals often needed membership in, or perceived loyalty to, the CNDD-FDD to obtain or retain employment in the civil service and the benefits that accrued from such positions, including transportation allowances; free housing, electricity, and water; exemption from personal income taxes; and interest-free loans. Media and human rights organizations reported that individuals were forced to make payments – often with no legal basis – to support the CNDD-FDD on penalty of being denied access to public services and spaces or the issuance of administrative documents. In September, online media reported that former combatants against rebel movements in Bubanza Province claimed that only CNDD-FDD veterans were registered to receive benefits by the team sent by the Ministry of Defense and Veterans Affairs.

There were reports election observers aligned with opposition parties were not allowed full access to monitor elections.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate.

Women were not well represented in political parties. Some observers believed that tradition and cultural factors kept women from participating in politics on an equal basis with men.

The constitution provides for representation in all elected and appointed government positions for the two largest ethnic groups. The Hutu majority is entitled to no more than 60 percent of government positions and the Tutsi minority to no less than 40 percent; however, a Ligue Iteka report published in June indicated the ethnic quota was not respected in many public institutions. The law designates three seats in each chamber of parliament for the indigenous Twa, who made up approximately 1 percent of the population.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. There were numerous reports of government corruption during the year, including press and NGO reports that some high-level government officials engaged in corrupt practices with impunity. The constitution provides for the establishment of a High Court of Justice to review accusations of serious crimes against high-ranking government officials, but the court did not yet exist. As of year's end, no high-ranking official had stood trial for corruption.

Authorities undertook anticorruption initiatives, including dismissing, arresting, and in some instances prosecuting local officials and CNDD-FDD members involved in corruption and related activities. In August President Ndayishimiye removed 40 magistrates from office following evidence of large-scale judicial corruption. Later that month, the magistrates were convicted on corruption-related charges and handed sentences ranging from five to 30 years in prison and ordered to pay fines between 20,000 and 3.3million Burundian Francs (\$10 to \$1,640). The Ministry of Interior was charged with leading anticorruption efforts as part of President Ndayishimiye's anticorruption campaign. The ministry continued a "zero tolerance toward corruption" campaign and kept suggestion boxes in all commune offices and government ministries to allow the population to report corrupt activities. The minister of interior also maintained a toll-free telephone number to allow citizens to report corruption and malpractice.

NGOs commended the president's willingness to address corruption in the country but noted that the campaign had thus far produced few tangible results and that most of the steps taken were symbolic gestures. In some cases, public servants were accused of misappropriation of funds without thorough investigations or judicial proceedings, and there were collective punishments that appeared arbitrary. In other cases, officials dismissed for corruption were simply transferred to different positions.

Corruption: The public widely viewed police to be corrupt, and petty corruption involving police was commonplace. There were numerous allegations of corruption in the government, including incidents related to the lack of transparency of budget revenue involving gasoline importation; the trading in influence and abuse of office or power; the mismanagement of public tenders and contracts, including in the health and mining sectors; misappropriation of public funds; customs fraud; and the appropriation of the country's limited foreign currency reserves to finance imports. In its April report, the anticorruption watchdog OLUCOME (Observatory for the Fight Against Corruption and Economic Embezzlement) highlighted instances of corruption, poor governance, misappropriation of public funds, irregularities in public contracts, poor leadership in state-owned enterprises, and mineral trafficking by members of the government. OLUCOME concluded that money was diverted from public funds, citing state-owned enterprises, public procurements, and local administration as the top three sources of missing funds. The report noted that approximately 70 percent of the national budget was devoted to procurement of supplies, as opposed to growth-promoting sectors, health care, and education, a weakness that provided ample opportunities for malfeasance.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups struggled to operate in the face of governmental restrictions, harassment, and repression, and government officials were rarely cooperative or responsive to their views. The law requires NGOs to register with the Ministry of the Interior, a complex process that includes approval of an organization's activities. Registration must be renewed every two years, and there was no recourse for organizations denied registration or renewal (see also section 2.b., Freedom of Association). By law an organization may be suspended permanently for "disturbing public order or harming state security."

The government took some positive actions regarding NGOs, including allowing the return of OLUCOME president Gabriel Rufyiri in March after six years in exile.

Numerous NGOs, especially those that focused on human rights, were banned or suspended during the 2015-17 timeframe. Few of those NGOs had requested reinstatement since that time, and those who requested it were reinstated.

President Ndayishimiye invited all citizens in exile to return to the country, but as of year's end none of these organizations had applied for reinstatement. Ligue Iteka and other organizations continued to monitor the human rights situation from abroad. Members of both recognized and unrecognized organizations reported being subjected to harassment and intimidation and took measures to protect the identities of their employees and sources. Some international human rights NGOs reported requesting authorities allow them to visit the country, but authorities failed to respond to their inquiries.

Retribution against Human Rights Defenders: Media and other organizations continued to report that human rights defenders who remained in the country were subjected to threats, intimidation, and arrest. Human rights organizations stated the positive gestures regarding civil society were generally ad hoc symbolic gestures and that the government took measures aimed more at strengthening its control over the activities and functioning of NGOs than at reopening the democratic space. On March 14, the minister of interior stopped a joint OLUCOME and PARCEM press conference held to decry the ministry's decision to ban auto rickshaws, motorcycles, and bicycles from most of Bujumbura and request a stay of implementation; the presidents of those two organizations were detained for under an hour before being released without charges.

The United Nations or Other International Bodies: The government generally barred UN or other international bodies focused on human rights access to the country and refused to cooperate with such mechanisms (see also section 1.c.).

In October 2021, the UN Human Rights Council adopted a resolution approving a

special rapporteur to replace the COI as the mechanism for monitoring and reporting on human rights in the country. Authorities refused to cooperate with the special rapporteur, including providing access to the country. In June, the country's ambassador to the UN Human Rights Council reiterated that "Burundi would not accept any mechanism or political attempts to interfere with the domestic affairs of sovereign states." Having not been allowed to visit the country, the special rapporteur's report relied on secondary data including official publications, government statements, recommendations accepted under the Universal Periodic Review, information from treaty bodies and special procedures, as well as reports from NGOs, human rights defenders, the diplomatic community, UN agencies, and international organizations. In September, the special rapporteur delivered his annual report, noting advances including authorities' increased participation in international, regional, and subregional forums, as well as President Ndayishimiye's encouraging statements to initiate judicial reforms and fight corruption. The special rapporteur also highlighted increased efforts to combat trafficking in persons and successful refugee repatriations through implementation of tripartite agreements between Burundi, countries hosting refugees, and international organizations. Nevertheless, the special rapporteur pointing out that despite advances, additional efforts were necessary to confront the problem of impunity and to strengthen institutions of accountability, notably within the justice sector and police. The report asserted that a system to protect victims and witnesses of human rights abuses was needed.

Government Human Rights Bodies: Parties to the Arusha Peace and Reconciliation Agreement of 2000 committed to the establishment of an international criminal tribunal, which had yet to be implemented, and a national Truth and Reconciliation Commission (TRC), which was adopted into law in 2014. The TRC gathered testimony and conducted outreach activities under its mandate to investigate and establish the truth regarding serious human rights and international humanitarian law abuses committed in the country. The TRC was also mandated to establish the responsibilities of state institutions, individuals, and private groups.

Some NGOs and opposition party figures raised concerns that the TRC was deliberately focusing on the events of 1972 to favor a historical narrative posited by many of the Hutu ethnic group. NGOs also raised concerns that in view of continued human rights abuses, political tensions, a climate of fear and intimidation, fears of retribution for testimony, and restrictions on freedom of expression, conditions were not conducive for an impartial or effective transitional justice process. NGOs cited concerns that the participation of ruling party members in deposition-gathering teams could reduce the willingness of some citizens to testify or share fully their stories. NGOs indicated that some of the TRC commissioners represented the interests of the ruling party and were not impartial and that a lack of qualified experts adversely affected the TRC's ability to operate. In December 2021, the TRC presented a report to the National Assembly and the Senate qualifying the 1972-73 events as a genocide. The National Assembly approved the report and confirmed that the 1972-73 events qualify as a genocide against Hutus and attributed responsibility to the then government and the Union for National Progress (UPRONA) party. On September 8, Olivier Nkurunziza, president of the UPRONA party, refuted allegations included in the TRC report regarding the party's role. According to Nkurunziza, the TRC should differentiate individuals' decisions from the party's decisions. Nkurunziza also said UPRONA officials were among those killed.

During the year, the commission launched a new series of investigations into human rights abuses that occurred during the colonial periods from 1888 to 1962, including killings of officials between 1955 and 1957. NGOs criticized the move, which contradicted the TRC's own stated plan to move forward chronologically after 1972 and subsequently address the events of the 1980s and 1990s. NGOs believed that the focus on colonial periods validated concerns that the TRC was politically motivated and used its resources to advance the ruling party's Hutu-centric political agenda, undermining its legitimacy.

The Office of the Ombudsman has a mandate to investigate complaints regarding human rights abuses committed by civil servants, the judiciary, local authorities,

public institutions, and any other public entities. The office is also focused on the establishment of community mediation and conflict prevention mechanisms. During the year, the Ombudsman undertook travel throughout the country to collect major concerns of the population and refer them to the appropriate institutions.

The CNIDH, a governmental body charged with independently investigating human rights abuses, exercised its power to summon senior officials, request information, and order corrective action. In February the CNIDH released its annual report to the National Assembly, highlighting an improved security situation, but reporting an increasing number of human rights abuses. This was in stark contrast to previous annual reports, which did not report any human rights abuses. The report noted 42 documented cases of abuses of the right to life, including 35 allegations of enforced disappearance, seven cases of torture, 45 cases of arbitrary detention, and 93 cases relating to violations of due process. The report also noted abuses of the human rights of women and children, as well as labor, property, and education rights. Civil society organizations, opposition parties, and other entities praised the CNIDH's work denouncing human rights abuses in a difficult political context. The CNIDH was active in promoting and defending human rights, increased interaction with the international community, advocacy to improve prison conditions, and a focus on general human rights topics like gender-based violence, internally displaced persons, trafficking in persons, and children and worker's rights. Nevertheless, some observers continued to raise questions concerning the organization's independence and ability to work on politically sensitive cases without government interference. The UN special rapporteur cited in his September report the need for systematic credible investigations.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape against men and women,

including spousal rape, with penalties of up to 30 years' imprisonment. The law prohibits domestic abuse of a spouse, with punishment ranging from fines to three to five years' imprisonment. The government did not enforce the law uniformly, and rape and other domestic and sexual violence were serious problems. Media reported increasing cases of killings related to domestic violence. On August 22, the NGO National Women's Forum cited four cases of women killed by their husbands in Kirundo Province during a four-month period from April through August.

A 2016 law provides for the creation of a special gender-based crimes court, makes gender-based violence crimes unpardonable, and provides stricter punishment for police officers and judges who conceal violent crimes against women and girls. As of August, the special court had not been established, and no police officers or judges had been prosecuted under the law.

The National Police's Unit for the Protection of Minors and Morals is responsible for investigating cases of sexual violence and rape as well as those involving the trafficking of girls and women. The government-operated Humura Center in Gitega and integrated centers in Makamba, Muyinga, and Cibitoke Provinces provided a full range of services, including legal, medical, and psychosocial services, to survivors of domestic and sexual violence.

Sexual Harassment: The law prohibits sexual harassment, including the use of threats of physical violence or psychological pressure to obtain sexual favors. Punishment for sexual harassment may range from a fine to a prison sentence of one month to two years. The sentence for sexual harassment doubles if the victim is younger than 18. The government did not actively enforce the law. There were reports of sexual harassment but no data available on its frequency or extent and no evidence of arrests made under antisexual harassment laws.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided free prenatal and postpartum services. The

contraceptive prevalence rate was 29 percent. Health clinics and NGOs freely disseminated information on family planning under the guidance of the Ministry of Public Health. Faith-based clinics promoted the use of traditional family planning methods. Men often made the final decisions regarding family planning.

The government provided access to sexual and reproductive health services including emergency contraception for survivors of sexual violence.

The *2016-2017 Demographic and Health Survey* estimated the maternal mortality rate at 548 per 100,000 live births. According to the Ministry of Health, severe bleeding, infections, high blood pressure during pregnancy, complications during delivery, and unsafe abortions were the leading causes of maternal mortality. Other causes included effects from disease, such as malaria, or were related to chronic conditions such as heart disease and diabetes. Mothers and pregnant women suffered from lack of access to adequate medical care, particularly in rural areas.

The adolescent birth rate was 54 per 1,000 in 2019. Leading causes of high adolescent birth rates included high rates of poverty and widespread lack of reproductive health education. Ministry of Education policy requires pregnant girls to stop attending classes until one year after they give birth or if they provide medical records showing the pregnancy ended.

There were reports of social and cultural barriers related to menstruation and access to menstruation hygiene that impacted women and girls' ability to participate equally in society, including limits on girls' access to education. Human rights organizations reported that lack of knowledge led to misconceptions, taboos, and negative cultural and social norms around menstruation. As a result, women and girls experienced negative health consequences and higher rates of school absenteeism and poor educational outcomes. Additionally, menstruation stigma prevented women and girls from seeking treatment for menstruation-related disorders or pain. They also refrained from taking certain jobs or were not able to work because of menstruation stigma.

Discrimination: The law provides for equal status for women and men, including under family, labor, property, and nationality. Women faced legal, economic, and societal discrimination, including regarding inheritance and marital property laws. Traditional practices continued to control distribution of assets in favor of men and boys. A woman does not inherit her father's land and was expected to work on and benefit from the land of her husband.

By law women must receive the same pay as men for the same work, but the government did not effectively enforce the law (see section 7.d.). Some employers suspended the salaries of women on maternity leave, and others refused medical coverage to married female employees. The government provided only limited resources to enforce labor laws in general and did not enforce antidiscrimination laws effectively.

The law requires unmarried couples who cohabit to legalize their relationships through church or state registrations.

Systemic Racial or Ethnic Violence and Discrimination

The constitution provides that all citizens are equal in worth and dignity and that all citizens enjoy the same rights and are entitled to the same protections under the law. No citizens may be excluded from social, economic, or political life of the country based on his or her race, language, religion, sex, or ethnic origin. In addition, the constitution provides for representation in all elected and appointed government positions for the two largest ethnic groups (see section 3, Participation of Women and Members of Minority Groups), as well as representation in parliament for the indigenous Twa. The government did not enforce the laws effectively.

Indigenous Peoples

The indigenous Twa numbered an estimated 80,000, less than 1 percent of the population, according to a 2008 government census, although NGO estimates ranged widely. They generally remained economically, politically, and socially

marginalized, although the government did not discriminate in its legal recognition of the Twa. Twa communities collectively make decisions affecting their lands, culture, and traditions, without outside interference.

By law, local administrations must provide free schoolbooks and health care for all Twa children. Local administrations largely fulfilled these requirements (see also section 3, Participation of Women and Members of Minority Groups), but there were reports of disproportionate lack of access to education for Twa children because they lacked civil documents required to enroll in school.

Children

Birth Registration: The constitution states that citizenship derives from one's parents. The government registers the births of all children if done within a few days of birth without charge and on a nondiscriminatory basis. An unregistered child may not have access to some public services, including free health care for children younger than five and free access to basic education, according to UNICEF.

Education: Education is tuition free, compulsory, and universal through the primary level, but students are responsible for paying for books and uniforms. Secondary students must pay token tuition fees per quarter; secondary school is not compulsory. Throughout the country, provincial officials charged parents informal fees for schooling at all levels (see also section 6, Women, Reproductive Rights). Girls suffered from lower school enrollment rates and higher dropout rates. Contributing factors included cultural norms that favored boys obtaining education and girls engaging in domestic and agricultural work at home, preparing for marriage, and early pregnancies.

Child Abuse: The law prohibits violence against or abuse of children, but child abuse was a widespread problem. In June, the NGO Solidarity of the Christian Youth for Peace and Childhood reported that forced labor and sexual exploitation were the most common forms of child abuse. Also that month, the CNIDH

organized a series of training sessions for government officials involved in children's rights on the legal framework for juvenile justice as part of the CNIDH's efforts to promote children's rights.

Child, Early, and Forced Marriage: The legal age for marriage is 18 for girls and 21 for boys. Forced marriages are illegal, although they reportedly occurred with frequency mainly due to economic pressures and early or unwanted pregnancy.

Sexual Exploitation of Children: The minimum age for consensual sex is 18. The law prohibits commercial sexual exploitation of children and child pornography. There were no prosecutions during the year.

Displaced Children: According to the IOM, there were 47,482 internally displaced children in the country as of April (see also section 2.f., Status and Treatment of Internally Displaced Persons). Thousands of children were homeless throughout the country, some of them orphans. The government provided street children with minimal educational support and relied on NGOs for basic services, such as medical care and economic support. Independent observers reported that children who were homeless faced brutality and theft by police. Arbitrary arrests and detentions of persons, including children, living on the streets continued.

According to the National Federation of Associations for Children in Burundi, nearly 300 beggars and street children were detained July 6-7 in Bujumbura in response to the government's recommendation to remove all beggars from the city. According to the Ministry of National Solidarity, Social Affairs, Human rights, and Gender (Ministry of National Solidarity), adults detained during the police sweeps could be arrested and face up to two months in prison, while children were transferred to care centers before being reintegrated into their families. The ministry indicated that care centers would be established in all provinces to receive children before reintegration into their families and communities and that three care centers were already operational as of September. The ministry indicated 21 children had been reintegrated into their families and returned to school as of late

June.

Antisemitism

No estimate was available on the size of the Jewish population. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law penalizes consensual same-sex sexual relations by adults with up to two years in prison. There were no reports of prosecutions for same-sex sexual acts during the year.

Violence against LGBTQI+ Persons: There were reports that government agents incited, condoned, and tolerated violence against LGBTQI+ persons. LGBTQI+ persons refrained from reporting such incidents to authorities or media because of stigma, a desire to protect their identities, and concern regarding prosecution of consensual same-sex sexual relations. There were no reports of official actions to investigate or punish those complicit in violence and abuses by state or nonstate actors.

Discrimination: The law does not prohibit discrimination against LGBTQI+ persons in housing, employment, nationality laws, and access to government services such as health care. Some NGOs highlighted that stigma and discrimination against the LGBTQI+ community was disproportionately high. According to national educational policy, LGBTQI+ identity could be grounds for expulsion from school. Societal discrimination against LGBTQI+ persons was

common. Antigay rhetoric was widespread, especially among politicians who condemned homosexuality in religious terms or declared it was imported from western countries. LGBTQI+ communities in the country reported that many LGBTQI+ persons entered opposite-sex marriages or moved to other countries due to social pressure and discrimination.

Availability of Legal Gender Recognition: Legal gender recognition was not available. There were reports that fraud laws could be used against transgender persons and gender-diverse persons whose expressed gender did not match their legal documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Families and church groups frequently held prayer sessions to intended to “convert” LGBTQI+ persons into heterosexuals.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Same-sex sexual relationships are illegal, which effectively restricted public speech in support of LGBTQI+ topics. LGBTQI+ organizations did not register as such, instead identifying themselves with vague titles, such as an NGO supporting economic empowerment or development, to escape arrest. There was a limited ability to organize public events promoting LGBTQI+ matter or activities.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. No legislation mandates access to buildings, information, or government services for persons with disabilities.

The constitution prohibits discrimination against persons with disabilities, but the government did not promote or protect their rights. Although persons with disabilities are eligible for free health care through social programs targeting vulnerable groups, authorities did not widely publicize or provide benefits. Employers often required job applicants to present a health certificate from the

Ministry of Public Health stating they did not have a contagious disease and were fit to work, a practice that sometimes resulted in discrimination against persons with disabilities. The government did not provide government information and communication in accessible formats.

The government supported a center for physical therapy in Gitega and a center for social and professional inclusion in Ngozi for persons with physical disabilities. The Ministry of Education has an inclusive education department to support schools with students with disabilities through teachers' training and adequate school materials.

Other Societal Violence or Discrimination

Criminals sometimes killed persons with albinism, particularly children, to use their body parts for ritual purposes. According to the Association of Albinos without Borders chairperson, society did not accept persons with albinism, and they often faced unemployment and isolation. He added that children with albinism often failed in school primarily due to harassment, uncorrected vision problems, and lack of support from the education sector. He also said women with albinism often were "chased out by their families because they are considered as evil beings." The government took steps to improve integration of persons with albinism into society and sensitize communities to promote antidiscrimination efforts, including creation of socioeconomic integration groups of persons with albinism that offered opportunities for loans and specialized health care.

Abdul Igiraneza, a boy aged four with albinism, was kidnapped in the Bujumbura neighborhood of Kinama on January 29 and found dead two days later in Cankuzo Province, approximately 150 miles away. Media reported that his body had been mutilated, apparently for ritualistic purposes. Police quickly arrested six persons, which as of October resulted in two convictions for kidnapping and murder. The main suspect was sentenced to life in prison and a fine of 40 million Burundian francs (\$19,900).

The *2016-17 Demographic and Health Survey* reported that HIV and AIDS stigma was not a concern in the country. A 2021 independent study reported, however, that HIV and AIDS stigma was widespread, and the most frequent manifestations of stigma included physical violence, verbal violence, marginalization, discrimination, self-stigma, fear and insecurity, and health-care provider stigma. The 2021 study noted less discrimination in the education and employment sectors.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions with restrictions. A union must have at least 50 members. The minister of labor has the authority to designate the most representative trade union in each sector. Most civil servants may unionize, but their unions must register with the Labor Ministry, which has the authority to deny registration and require unions to provide information on the union administration. Police, the armed forces, magistrates, and foreigners working in the public sector may not form or join unions. Workers younger than 18 must have the consent of their parents or guardians to join a union.

The law provides workers with a conditional right to strike after meeting strict conditions; it bans solidarity strikes. The parties must exhaust all other means of resolution (dialogue, conciliation, and arbitration) prior to a strike. Intending strikers must represent a majority of workers and give six days' notice to the employer and the Labor Ministry, and negotiations mediated by a mutually agreed-upon party or by the government must continue during the action. Strikes and demonstrations are banned during elections. The ministry must determine whether the sides have met strike conditions, giving it, in effect, the power to prevent strikes. The law permits requisition of essential employees in the event of strike action. The law prohibits retribution against workers participating in a legal strike.

The law recognizes the right to collective bargaining, but it excludes measures

regarding public-sector wages that are set according to fixed scales following consultation with unions. The minister of labor designates the most representative employee organization by order. If negotiations result in deadlock, the minister may impose arbitration and approve or revise any agreement. No laws compel an employer to engage in collective bargaining. The law prohibits antiunion discrimination but allows termination of workers engaged in an illegal strike and does not specifically provide for reinstatement of workers dismissed for union activity.

The government did not effectively enforce applicable laws, and penalties were never applied against violators. Resources for inspection and remediation were inadequate, and penalties were not commensurate with those under other laws involving denials of civil rights. Administrative and judicial procedures were subject to lengthy delays and appeals.

The government placed excessive restrictions on freedom of association and the right to collective bargaining and sometimes interfered in union activities. In January, President Ndayishimiye threatened to fire teachers participating in a strike movement announced by the Coalition of Teachers' Unions for National Solidarity and the Defense of Socio-professional Rights to protest the government's move to hold a test to select candidates for a professional development program. President Ndayishimiye stated, "Strikes can no longer exist in Burundi, anyone participating in a strike will no longer receive a salary and will be rated poorly." He also warned that teachers who participated in the strike would be replaced with unemployed youth.

Most unions were public-employee unions, and virtually no private-sector workers were unionized. Since most salaried workers were civil servants, government entities were involved in almost every phase of labor negotiation. The principal trade union confederations represented labor interests in collective bargaining negotiations in cooperation with individual labor unions.

Most laborers worked in the informal economy. According to the Confederation of

Burundian Labor Unions, virtually no informal-sector workers had written employment contracts.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children. The penalty for conviction of forced labor trafficking was commensurate with penalties for other serious crimes. The government did not effectively enforce applicable laws. Resources for inspections and remediation were inadequate. Workplace inspectors had authority to impose fines at their own discretion. On September 1, five individuals were sentenced to seven years in prison for child trafficking. According to media, they were caught transporting 20 children to Tanzania for forced labor.

Children and young adults were coerced into forced labor on plantations or small farms in the south, small-scale menial labor in gold mines, carrying river stones for construction in Bujumbura, working aboard fishing vessels, or engaging in informal commerce in the streets of larger cities (see section 7.c.). Forced labor also occurred in domestic service and charcoal production. According to children's rights organizations, some children dropped out of school to work in fields or other family enterprises. Poverty was the major reason for child forced labor.

Citizens were required to participate in community work each Saturday morning from 8:30 a.m. to 10:30 a.m. Although enforcement of this requirement was rare, there were sporadic reports that communal administrators fined residents who failed to participate, and members of the Imbonerakure or police sometimes harassed or intimidated individuals who did not participate, especially when senior officials attended the community work sessions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

The law does not specifically prohibit discrimination against any group but rather provides for equal rights. The constitution recognizes workers' right to equal pay for equal work, but women faced discrimination regarding pay and access to equal employment, and authorities did not prosecute any violations of this equal rights requirement. Women were excluded from some jobs, and a government decree prohibits women from performing in traditional drumming groups.

The government did not enforce the law in all sectors, and penalties were rarely applied against violators. Some alleged victims of discrimination chose not to pursue claims due to retaliation by employers and lack of confidence in enforcement mechanisms to protect their rights. Much of the country's economic activity took place in the informal sector, where protection from discrimination was generally not provided. Some persons claimed membership in the ruling party was a prerequisite for formal employment in the public and private sectors. Members of the indigenous Twa, who in many cases lacked official documentation, were often excluded from opportunities in the formal economy. Persons with albinism experienced discrimination in employment. Persons with disabilities and members of the LGBTQI+ community faced discrimination in hiring and access to the workplace.

e. Acceptable Conditions of Work

Wage and Hour Laws: The official minimum wages, unchanged since 1988, were below the official line of poverty. Prevailing minimum wages more reflective of labor market forces were below the international poverty line.

The law limits working hours to eight hours per day and 40 hours per week, but

there were many exceptions, including for workers engaged in national security, guarding residential areas, and road transport. Private security companies received guidance from the Labor Ministry allowing workweeks of 72 hours for security guards, not including training. There is no legislation on mandatory overtime, but premium pay is required for any overtime work performed. Foreign or migrant workers are subject to the same conditions and laws as citizens.

Occupational Safety and Health: The labor code establishes appropriate occupational safety and health (OSH) standards for the workplace, but they often were not followed. Many buildings under construction in Bujumbura, for example, had workforces without proper protective equipment, such as closed-toe shoes, and scaffolding built of wooden poles of irregular length and width.

Workers have the right to remove themselves from situations of imminent danger without jeopardy to their employment.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce the law, and penalties were not commensurate with those for similar crimes. The Labor Inspectorate in the Ministry of Labor is responsible for enforcing the laws on minimum wages and working hours as well as safety standards and worker health regulations. The labor inspectors' mandate was limited to the formal sector, except where international agreements extend the mandate to all employment. Inspectors had the authority to make unannounced inspections and initiate sanctions. The government did not hire sufficient inspectors to enforce compliance or allocate sufficient resources to address enforcement needs, such as that necessary for training and transportation for inspectors.

The Labor Inspectorate is responsible for enforcing the laws on minimum wages and working hours as well as safety standards and worker health regulations. Violations of safety standards were reportedly commonplace, but there were no official investigations, no cases of employers reported for violating safety standards, and no complaint reports filed with the Labor Inspectorate during the

year. The government did not report data on deaths in the workplace.

Informal Sector: Labor laws apply to the informal sector, but they were not enforced. More than 90 percent of the working population worked in the informal economy, mostly in agriculture and as domestic workers, and thus lacked access to legal protections. Violations of wage, hour and safety regulations were common, but no cases were investigated or prosecuted.

The law defines employers' obligations on occupational health and safety and mandates that employers contribute toward health insurance, including for employees in the informal sector. The labor code provides protections for laborers in the informal sector, gives labor inspectors the power to refer violations of the code to police and courts, and creates the post of Medical Inspector of Labor, which is responsible for protecting the physical and mental health of workers.